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An Equal Opportunity Employer

TO: All DWD and ICCSV Managers and Supervisors

FROM: Leslie G. Fatum, General Counsel

DATE: April 30, 2003

SUBJECT: DWD Policy 2002-46
Tort Claim Procedures (Claims by Non-Employees
for Accidents or Injuries to Person and/or
Property)

PURPOSE: To inform all staff of the State of Indiana's policy and procedures for processing claims against the State under the terms of the Tort Claim Act, IC 34-13-3 et seq.

RECISSION: DWD Communication # 98-33/January 29, 1999

CONTENT: Under the terms of the Tort Claims Act, a claim against the State for compensation or damages is barred unless the individual gives proper notice. The Office of the Attorney General created a form for this purpose – **NOTICE OF TORT CLAIM FORM FOR PROPERTY DAMAGE AND PERSONAL INJURY** (numbered 112996 in the bottom right hand corner). This form is available on the Indiana Administrative Code website at <http://www.in.gov/legislative/iac/t00100/a00030.pdf>.

Any person claiming injury or property damage allegedly attributable to an act or omission of DWD or ICCSV, who indicates a desire to be compensated for the loss, should be given a copy of this form to complete and mail as instructed by the form.

The filing of such claims is a legal process, and therefore must be done by the person making the claim. DWD or ICCSV personnel should NOT complete the form or offer advice concerning legal procedure. All necessary instructions are on the front and back of the form. If a completed form is left in a local office, please forward it immediately to Legal Support, Attn: General Counsel.

In addition, any personal injury or property damage incidents that involve non-employees should be reported to DWD Investigations and Security Division on the **Report of Security/Emergency Situation** form, whether or not the individual indicates a desire to file a tort claim. If a completed Tort Claim form is available, it should be attached to the **Report of Security/Emergency Situation** form.

Questions regarding this policy and its procedures should be addressed to Legal Support at (317) 232-3268 or to Investigations and Security at (317) 233-0035.

EFFECTIVE DATE: Immediately

REVIEW DATE: April 30, 2003

OWNERSHIP: Legal Support

ACTION: All Managers and Supervisors are to advise staff of the procedures outlined in this policy.